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8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Default Against:

Case No. 2008-037

13 **LAUREL A. WALSH**
546550 Old Highway Road
14 McArthur, CA 96056

DEFAULT DECISION
AND ORDER

15 Registered Nurse License No. 431301

[Gov. Code, §11520]

16 Respondent.
17

18 **FINDINGS OF FACT**

19 1. On or about July 26, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs, filed Accusation No. 2008-037 against Laurel A. Walsh ("Respondent")
22 before the Board of Registered Nursing ("Board").

23 2. On or about August 31, 1988, the Board issued Registered Nurse License
24 Number 431301 to Laurel A. Walsh. The registered nurse license will expire on March 31, 2008,
25 unless renewed.

26 3. On or about August 9, 2007, Constance A. Ward, an employee of the
27 Office of the Attorney General, served by Certified Mail and by First Class Mail a copy of
28 Accusation No. 2008-037, Statement to Respondent, Notice of Defense, Request for Discovery,

1 Government Code sections 11507.5, 11507.6, and 11507.7, and Board of Registered Nursing
2 Recommended Guidelines for Disciplinary Orders and Conditions of Probation to Respondent's
3 address of record with the Board, which was and is, 546550 Old Highway Road, McArthur, CA
4 96056. A copy of the Accusation, the related documents, and Declaration of Service are attached
5 as **Exhibit A**, and are incorporated herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the
7 provisions of Government Code section 11505(c).

8 5. On or about August 9, 2007, the aforementioned documents were returned
9 by the U.S. Postal Service marked "Unclaimed". Copies of the envelopes returned by the United
10 States Post Office are attached hereto as **Exhibit B**, and are incorporated herein by reference.

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the
13 respondent files a notice of defense, and the notice shall be deemed a specific
14 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service
16 upon her of the Accusation, and has therefore waived her right to a hearing on the merits of
17 Accusation No. 2008-037.

18 8. California Government Code section 11520(a) states, in pertinent part:

19 If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express
21 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board
23 finds Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default and the evidence before it, contained in
25 **Exhibits A and B**, finds that the allegations in Accusation No. 2008-037 are true.

26 10. The total costs for investigation and enforcement are \$4,030 as of
27 September 6, 2007.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Laurel A. Walsh has
3 subjected her Registered Nurse License No. 431301 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of
5 Service are attached.

6 3. The Board has jurisdiction to adjudicate this case by default.

7 4. The Board is authorized to revoke Respondent Laurel A. Walsh's
8 Registered Nurse License No. 431301 based upon violation of Business and Professions Code
9 ("Code") section 2761(a) (unprofessional conduct), as defined in Code section 2762(a)
10 (possession of controlled substances in violation of law, and self administration of controlled
11 substances), alleged in the Accusation.

12 **ORDER**

13 **IT IS SO ORDERED** that Registered Nurse License No. 431301, heretofore
14 issued to Respondent Laurel A. Walsh, is revoked.

15 Pursuant to Government Code section 11520(c), Respondent may serve a written
16 motion requesting that the Decision be vacated and stating the grounds relied on within seven (7)
17 days after service of the Decision on Respondent. The Board in its discretion may vacate the
18 Decision and grant a hearing on a showing of good cause, as defined in the statute.

19 This Decision shall become effective on December 16, 2007.

20 It is so ORDERED November 16, 2007

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23 **FOR THE BOARD OF REGISTERED NURSING**
24 **DEPARTMENT OF CONSUMER AFFAIRS**

24 **Attachments:**

25 Exhibit A: Accusation No. 2008-037, Related Documents, and Declaration of Service
26 Exhibit B: Copies of Envelopes Returned by Post Office

27
28 DOJ docket number:
WalshDefault.wpd

Exhibit A

Accusation No. 2008-037,
Related Documents and Declaration of Service

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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-37

13 **LAUREL A. WALSH**
546550 Old Highway Road
14 McArthur, CA 96056

A C C U S A T I O N

15 Registered Nurse License No. 431301

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about August 31, 1988, the Board issued Registered Nurse License
24 Number 431301 to Laurel A. Walsh ("Respondent") also known as Laurel Anne Walsh. The
25 registered nurse license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2008, unless renewed.

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COST RECOVERY

3 8. Code section 125.3 provides, in pertinent part, that the Board may request
4 the administrative law judge to direct a licensee found to have committed a violation or
5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
6 and enforcement of the case.

7 9. DRUGS

8 a. "Methamphetamine" is a Schedule II controlled substance as designated
9 by Health and Safety Code section 11055(d)(2).

10 b. "Marijuana" is a Schedule I controlled substance as designated by Health
11 and Safety Code section 11054(d)(13).

12 FIRST CAUSE FOR DISCIPLINE

13 (Possess a Controlled Substance in Violation of law, and Self-Administration)

14 10. Respondent's registered nurse license is subject to disciplinary action
15 under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code
16 section 2762(a), in that on or about September 12, 2005, and December, 2006, Respondent
17 committed acts, as follows:

18 a. Respondent possessed methamphetamine and marijuana, both controlled
19 substances, in violation of Code section 4060.

20 b. Respondent self-administered methamphetamine and marijuana, both
21 controlled substances.

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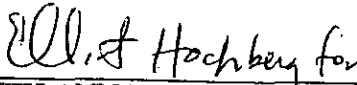
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2 **PRAYER**

3 **WHEREFORE**, Complainant requests that a hearing be held on the matters
4 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 5 1. Revoking or suspending Registered Nurse License Number 431301,
6 issued to Laurel A. Walsh;
- 7 2. Ordering Laurel A. Walsh to pay the Board of Registered Nursing the
8 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
9 125.3; and,
- 10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 7/26/07

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14 
15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

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